

CHAPTER 179

FIREARMS

1998-32

This Act came into operation on 1st November, 1998 by Proclamation (S.I. 1998 No. 135).

Amended by:

2002-12

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

2003

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 179

**FIREARMS
1998-32**

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**BARBADOS****FIREARMS
1998-32**

An Act to revise the law relating to firearms.

[Commencement: 1st November, 1998]

Short title

1. This Act may be cited as the *Firearms Act*.

PRELIMINARY**Interpretation**

- 2.(1) In this Act,

“acquire” means to hire, to accept as a gift or to borrow;

“ammunition” includes

- (a) every shell, cartridge, bullet or projectile containing any explosive or gas or chemical, whether or not intended to be discharged from or by any gun or other propelling or releasing instrument or mechanism, except a rocket or flare used during the course of navigation at sea, for sending signals;

- (b) every fuse, percussion cap, or priming cap, which could be used for the purpose of exploding any shell, bullet or other projectile;
- (c) an explosive when enclosed in any case or contrivance, or otherwise adapted or prepared so as to form
 - (i) a cartridge, charge or complete round to be used in small arms, cannon, or any other weapon;
 - (ii) any tube for firing explosives; or
 - (iii) a detonator, a projectile, or other contrivance which can be used either singly or in suitable combinations as, or in connection with, a missile;

“Commissioner” means the Commissioner of Police;

“firearm” means

- (a) a gun or other barrelled weapon of any description from which any shot, bullet or other missile can be discharged, whether or not it is at any particular time capable of being fired;
- (b) any accessory to a weapon referred to in paragraph (a) that is designed or adapted to diminish the noise or flash caused by firing the weapon;
- (c) any weapon of whatever description designed or adapted for the discharge of any explosive noxious liquid, gas, energy of any description or other thing;
- (d) any signal gun; or
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- (e) any air rifle, air gun, air weapon or air pistol,

but does not include

- (i) an antique firearm that is not capable of discharging;
- (ii) a starting pistol;
[2002-12]

(iii) a toy gun; or
[2002-12]

(iv) a flare gun used or carried as a necessary part of safety equipment;
[2002-12]

“firearm licence” means a licence granted under section 5;
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“imitation firearm” means a toy gun or any thing which has the appearance of being a firearm but which is not capable of discharging any shot, bullet or other missile;

“licence” means a valid licence granted under this Act;
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“Minister” means the Minister responsible for Police Administration;
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“permit” means a valid permit granted under this Act;
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“premises” includes any land;

“prohibited weapon” or “prohibited ammunition” means any weapon or ammunition, the possession, use, importation or exportation of which is prohibited by any enactment;

“public place” includes a highway or road and any other premises or place to which at the material time the public have or are permitted to have access, whether by payment or otherwise;

“slaughtering instrument” means a firearm which is specially designed or adapted for the instantaneous slaughter of animals or for the instantaneous stunning of animals with a view to slaughtering them;

“starting pistol” means a pistol designed for the firing of blank ammunition and which is not capable of being modified to fire live ammunition;

“stud gun” means a gun or tool designed to fix studs, fasteners or other objects by means of an explosive charge;

“target practice” includes a shooting competition;

“transfer” includes let on hire, give, lend and part with possession.

(2) For the purposes of this Act, the things which a person has in his possession shall be taken to include any thing that is subject to his control, whether or not it is in his custody or in the custody of another.

CONDITIONS FOR THE HOLDING OF FIREARM LICENCES

Prohibited weapons and ammunition

3.(1) Subject to this section, no person shall

- (a) use;
- (b) have in his possession;
- (c) import or export;
- (d) carry;
- (e) manufacture;
- (f) supply or offer to supply to another; or
- (g) be concerned in the supplying to another of

any of the following:

- (A) a firearm;
- (B) a weapon designed to fire any rocket projectile or any other projectile;
- (C) an explosive, except a hand grenade manufactured for the purpose of extinguishing fires;
- (D) ammunition.

-
- (2) Subsection (1) does not apply in relation to anything done by a person
- (a) under and in accordance with a licence or permit authorising the doing of that thing; or
 - (b) under a provision of this Act authorising the doing of that thing without a licence or permit.
- (3) Subsection (1) does not apply in relation to
- (a) any firearm, ammunition, weapon or other thing held, used or carried by a member of the Barbados Defence Force or the Police Force in the performance of his duty as such or when engaged in target practice;
 - (b) any gun carried at the request of and for the use of a person holding a licence in respect of the gun, if the person carrying the gun gives the true name and address of the licensed person when asked by a police officer to do so; or
 - (c) any firearms or ammunition held, used or carried under and in accordance with a permit issued under subsections (4) and (5), by security personnel accompanying a foreign Head of State, Head of Government or other representative of a foreign government on a visit to Barbados.
- (4) The exemption conferred by subsection (3)(c) is subject to the following conditions:
- (a) before the visit, an application for the exemption must have been made to the Commissioner through the Ministry responsible for Foreign Affairs;
 - (b) the application must be in an approved form and must specify
 - (i) the circumstances in which the firearms or ammunition might be used;
 - (ii) details of the firearms and ammunition in question; and

(iii) the names of, and other general information concerning, the security personnel in question.

(5) On an application made under subsection (4), the Commissioner may, after consulting the Ministers responsible for Legal Affairs, Foreign Affairs and Defence and Security, issue a permit subject to such conditions as the Commissioner thinks fit.

(6) Subsection (1) does not apply to a member of a licensed shooting club when that member is engaged as a member of the club in or in connection with drill or target practice.

(7) Subsection (1) does not apply to a person officiating at an athletic meeting who has a firearm in his possession for the purpose of starting races at that meeting.

(8) Where the Commissioner is satisfied, on the application of the person in charge of a theatrical performance, a rehearsal of such a performance or the production of a cinematograph film, that a firearm is required for the purpose of the performance, rehearsal or production, he may, by a licence under section 5, if he thinks fit, authorise such persons as are specified in the licence to have possession of the firearm while taking part in the performance, rehearsal or production.

(9) A person who contravenes subsection (1) is guilty of an offence.

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Disqualification for holding firearm

4.(1) A person who

(a) has been convicted in Barbados or elsewhere of

(i) an offence involving

(A) the possession, use, sale or other disposal of a firearm; or

(B) the possession or use of an imitation firearm; or

- (ii) an offence of burglary, or an offence involving violence against the person, where in either case the period of 5 years has not expired since the date of commission of the offence;
- (b) unless he is a registered member of a licensed shooting club, has not attained the age of 25 years;
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- (c) has been certified, in accordance with the *Mental Health Act*, Cap. 45, as being of unsound mind; or
- (d) is reasonably believed to be suffering from mental deficiency or habitual intoxication caused by drink or drugs that renders him unfit to be in possession of or to use a firearm

shall not qualify to hold a licence under this Act.

- (2) A licence granted under this Act
 - (a) shall be valid for one year or such shorter period as is specified in the licence;
 - (b) is not transferable; and
 - (c) may, on application, be renewed on or before the expiry date and on payment of the prescribed fee.

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Firearm licences

5.(1) Subject to this Act, a person who is desirous of possessing, carrying or using a firearm shall apply to the Commissioner in the prescribed form for a firearm licence.

(2) An application for a firearm licence shall be accompanied by the prescribed fee.

(3) Where the Commissioner is satisfied that an applicant for a firearm licence

- (a) is of good character;
- (b) is a fit and proper person to possess a firearm; and
- (c) is physically and mentally competent,

the Commissioner may, subject to subsection (5), grant him a firearm licence.

(4) A firearm licence shall contain permission for the holder to have in his possession ammunition of a type, and not exceeding an amount, specified in the licence.

(5) The Commissioner shall not grant a firearm licence to a person unless he is satisfied that that person

- (a) has good reason for possessing, carrying or using the firearm and ammunition the subject of the application; and
- (b) can be permitted to possess, carry or use that firearm and ammunition without danger to the public safety or to the peace.

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Import and export licences

6.(1) Subject to this Act, a person who is desirous of importing a firearm into, or exporting a firearm from Barbados shall apply to the Commissioner in the prescribed form for a firearm import licence or a firearm export licence, as the case may be.

(2) An application for a firearm import licence or a firearm export licence shall be accompanied by the prescribed fee.

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LICENCES IN RESPECT OF FIREARMS DEALERS AND GUNSMITHS**Application for dealer's licence**

7.(1) No person shall

- (a) sell;
- (b) acquire;
- (c) transfer;
- (d) arrange for or in any way be concerned in the sale, transfer or acquisition of; or
- (e) permit the sale, transfer or acquisition of

any firearm or ammunition unless he holds a valid firearms dealer's licence or a gunsmith's licence or, in any other case, he has obtained the written prior approval of the Commissioner in respect of the sale, transfer or other acquisition.

(2) Any person who is desirous of carrying on business or conducting trade as a dealer in guns or ammunition or as a gunsmith shall apply to the Commissioner for a firearms dealer's licence or a gunsmith's licence, as the case may be.

(3) A person who contravenes subsection (1) is guilty of an offence.

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Firearms dealer's licence

8.(1) A person who holds a firearms dealer's licence, hereinafter called a "dealer's licence", may import, export, deal in, repair, test, prove and sell firearms and ammunition, not being prohibited weapons or prohibited ammunition, in the ordinary course of business, in accordance with the terms of that licence at a place specified in the licence.

- (2) A firearms dealer shall, prior to the sale, hire, exchange or other transfer of possession of a firearm to another firearms dealer, notify the Commissioner of
- (a) the transaction;
 - (b) the name and address of the firearms dealer to whom the firearm is to be transferred; and
 - (c) the description of the firearm to be transferred.
- (3) A dealer's licence shall be an annual licence.
- (4) A firearms dealer shall not keep or store any firearms or ammunition in any place other than the place specified in his licence without the written permission of the Commissioner.
- (5) Every firearms dealer shall keep a register of stock and transactions setting out
- (a) particulars of all firearms and ammunition acquired by him;
 - (b) the quantities and descriptions of firearms and ammunition purchased or acquired, with the names and addresses of the sellers or transferors and the dates of the several transactions;
 - (c) the quantities and descriptions of firearms and ammunition accepted for sale, test, cleaning, storage, destruction or other purpose, with the names and addresses of the transferors and the dates of the several transactions; and
 - (d) the quantities and descriptions of firearms and ammunition sold and transferred, with the names and addresses of the purchasers and transferees, and the dates of the several transactions.
- (6) Every firearms dealer who fails
- (a) to give the Commissioner notice as required by subsection (2);

- (b) to make any entry in the register in accordance with subsection (5) at the time when, or immediately after, the transaction to which it relates took place; or
- (c) to forward to the Commissioner, before the fifteenth day of every month, a true extract of the register kept under subsection (5) in respect of all transactions entered into during the preceding month or, if there have been no such transactions, a statement to that effect

is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for 2 years or to both such fine and imprisonment.

(7) The Commissioner may, by order under his hand, require a firearms dealer to produce to any police officer bearing the order the register referred to in subsection (5), and also to allow the whole of his stock to be inspected and counted by the officer.

(8) A person who fails to comply with an order of the Commissioner under subsection (7) is guilty of an offence and is liable on conviction on indictment to a fine of \$50 000 or to imprisonment for 5 years or to both such fine and imprisonment.

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Gunsmith's licence

9.(1) A person who is desirous of carrying on business as a gunsmith shall apply to the Commissioner for a gunsmith's licence.

(2) A person who holds a gunsmith's licence may repair, test, prove or destroy firearms and ammunition, not being prohibited weapons or prohibited ammunition, in the ordinary course of business in accordance with the terms of that licence, at a place specified in the licence.

(3) A gunsmith shall not without the written permission of the Commissioner keep or store any firearms or ammunition in any place other than the place specified in his licence.

(4) Every gunsmith shall keep a register of stock and transactions setting out the quantities and descriptions of firearms and ammunition accepted for repair, testing, proving, cleaning, destruction or other purpose, with the names and addresses of the transferors and the dates of the several transactions.

(5) Every gunsmith who fails

(a) to make an entry in the register in accordance with subsection (4) at the time of a transaction referred to in that subsection or immediately after that time; or

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(b) to forward to the Commissioner before the fifteenth day of every month a true extract of the register kept under subsection (4) in respect of all transactions entered into during the preceding month or, if there have been no such transactions, a statement to that effect

is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for 2 years or to both such fine and imprisonment.

(6) The Commissioner may, by order under his hand, require a gunsmith to produce to any police officer bearing the order the register referred to in subsection (4), and also to allow the whole of his stock to be inspected and counted by the officer.

(7) A gunsmith who

(a) contravenes subsection (3); or

(b) fails to comply with an order of the Commissioner under subsection (6),

is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for 2 years or to both such fine and imprisonment.

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Collector's licence

9A.(1) A person who is desirous of operating as a collector shall apply to the Commissioner in the prescribed form for a collector's licence.

(2) A person who holds a collector's licence may collect, keep, store and dispose of firearms and ammunition in accordance with the terms of, and at a place specified in, that licence.

(3) A person who holds a collector's licence shall not without the written permission of the Commissioner keep, store or dispose of any firearm or ammunition at any place other than a place specified for the purpose in his licence.

(4) A person who holds a collector's licence shall keep a register in the prescribed form of his stock of firearms and ammunition and all transactions relating to that stock, with the names and addresses of persons involved in those transactions and the dates of those transactions.

(5) The provisions of subsections (5), (6) and (7) of section 9 shall apply, with such modifications as the circumstances require, in relation to the holder of a collector's licence as those provisions apply in relation to the holder of a gunsmith's licence.

(6) In this section the expression "collector" means a person who

(a) collects firearms and ammunition; and

(b) satisfies the Commissioner that he has special knowledge of and experience in their history and characteristics.

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General provisions relating to licensing

10.(1) Where an application is made under section 6, 7, 9 or 9A for a licence, the Commissioner may grant the licence if he is satisfied that the applicant

- (a) is of good character; and
- (b) is a fit and proper person to hold the licence in question.

(2) A licence granted under section 7, 9 or 9A may be renewed by the Commissioner; and the provisions of this Act that apply in respect of an application for the grant of that licence shall apply, with such modifications as the circumstances require, in relation to an application for a renewal.

(3) Notwithstanding section 30(1), where a person to whom a licence has been granted under section 7, 9 or 9A

- (a) fails to renew the licence; and
- (b) continues to have the firearm, in respect of which the licence was issued, in his possession for a period of not more than one year after the expiry of the licence,

he is guilty of an offence and liable on summary conviction to a fine of \$10 000.

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OFFENCES IN RESPECT OF THE ISSUING OF LICENCES**Offences respecting the issuing of licences**

11. A person who

- (a) makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant or renewal of a licence;

- (b) makes any alteration or erasure in a licence except under the authority of the Commissioner; or
 - (c) fails to comply with any condition subject to which a licence is issued
- is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for 2 years or to both such fine and imprisonment.

LICENCES IN RESPECT OF SHOOTING-CLUBS

Licences to shooting-clubs

12.(1) The Commissioner may, upon application of the executive committee of a shooting-club, grant a licence to that club to

- (a) maintain a rifle-and-pistol-range at a place specified therein;
 - (b) organise sporting events involving the use of firearms at that range; and
 - (c) provide facilities for target practice upon such range.
- (2) No shooting-club shall be granted a licence unless its rules have first been approved by the Commissioner, nor shall any amendment to those rules have any effect unless approved by the Commissioner.

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(3) A shooting-club licence shall be an annual licence.

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Returns of shooting-clubs

13.(1) A licensed shooting-club shall within 7 days after 31st March, 30th June, 30th September and 31st December in every year submit returns to the Commissioner showing

- (a) the dates upon which functions involving the discharge of firearms were held by the club, whether alone or in conjunction with any other

club, and the names of the members of the club participating in those functions; and

- (b) an account of the ammunition used at those functions, where the functions took place at a rifle-or pistol-range other than a rifle-or pistol-range maintained by some other club.

(2) It shall be the duty of the club to keep such records as will enable the returns referred to in subsection (1) to be made.

(3) If any return is not furnished in accordance with subsection (1) or if the return is incomplete, misleading or inaccurate, or if any record required under that subsection to be kept is not kept, the Secretary, the Chairman and members of the executive committee or governing body of the club are guilty of an offence.

(4) A person who is guilty of an offence under subsection (3) is liable on conviction on indictment to a fine of \$50 000 or to imprisonment for 5 years or to both such fine and imprisonment.

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VARIATION OF CONDITIONS OF LICENCES

Variation of licences

14.(1) The Commissioner may at any time by notice in writing vary the conditions subject to which a licence is held and may, by the notice, require the holder to deliver up the licence to him within 10 days from the date of the notice, for the purpose of amending the conditions specified therein.

(2) A person who makes a statement which he knows to be false for the purpose of procuring, whether for himself or another person, the variation of a licence, is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 2 years or to both such fine and imprisonment.

(3) Where the holder of a licence referred to in subsection (1) fails to deliver up the licence as required by a notice sent to him pursuant to that subsection, the licence shall be regarded as having been revoked under section 15 from the date of the expiration of the notice.

REVOCATION OF LICENCES

Revocation of licences

15.(1) The Commissioner may refuse to renew or may revoke a licence where he is satisfied that the holder of the licence

- (a) by reason of conduct, age or unsoundness of mind is not fit to be entrusted with a firearm or ammunition;
- (b) is convicted of
 - (i) an offence against this Act; or
 - (ii) any offence involving the use of a firearm; or
- (c) is in breach of any condition subject to which the licence is issued.

(2) When the Commissioner intends not to renew or to revoke a licence, he shall give written notice to the licence holder of his intention not to renew or to revoke the licence, as the case may be, and shall require the licence holder to show cause why the licence should not be renewed or not be revoked, as the case may be.

(3) Where a licence is revoked by the Commissioner under this section, he shall by notice in writing require the holder to surrender the licence within 10 days of the date of the notice.

Appeals

16.(1) A person other than a person referred to in section 4 who is aggrieved by the decision of the Commissioner not to issue or renew or to revoke a licence, as the case may be, may appeal to the Minister against the decision of the Commissioner.

- (2) An appeal
 - (a) must be made in writing within 30 days of the date of the notice of the Commissioner's decision; and
 - (b) shall set out the grounds on which the applicant is relying to have the decision of the Commissioner overturned.
- (3) The Minister may confirm or overturn the decision of the Commissioner.
- (4) The decision of the Minister is final.
- (5) Where a person whose licence has been revoked fails to surrender it within the time specified in section 15(3), that person is guilty of an offence and is liable on summary conviction to a fine of \$10 000 or to imprisonment for a term of 2 years or to both such fine and imprisonment.

POWER TO INSPECT

Inspections

- 17.(1) The Commissioner may
- (a) without prior notice, by order under his hand, require the holder of a licence to produce for inspection the firearm in respect of which the licence is issued;
 - (b) at any time between the hours of 6 o'clock in the morning and 6 o'clock in the evening inspect the place where a firearm and ammunition, in respect of which a licence is issued, are kept.
- (2) A person who
- (a) fails without reasonable explanation to produce a firearm in accordance with subsection (1)(a); or
 - (b) obstructs or prevents the conduct of an inspection pursuant to subsection 1(b)

is guilty of an offence and is liable to a fine of \$10 000 or to a term of imprisonment of 5 years or to both such fine and imprisonment and, in addition, where the person causing the obstruction or preventing the inspection is the holder of a licence, to the immediate revocation of that licence.

OFFENCES WITH FIREARMS

Possession of firearm with intent to injure

18. Where a person has in his possession any firearm or ammunition with intent thereby to endanger life or cause serious injury to property, or to enable another person by means thereof to endanger life or cause serious injury to property, whether any injury to property has been caused or not, that person is guilty of an offence and is liable on conviction on indictment to a fine of \$150 000 or to a term of imprisonment of 25 years or both such fine and imprisonment.

Use of firearm to resist arrest

19. A person who has in his possession a firearm or imitation firearm and who, with intent to resist or prevent the lawful arrest or detention of himself or another person, uses or attempts to use that firearm or imitation firearm is guilty of an offence and is liable on conviction on indictment to a fine of \$150 000 or to imprisonment for a term of 25 years or to both such fine and imprisonment.

Possession of firearm with criminal intent

20. A person who has in his possession a firearm or imitation firearm with intent to commit an indictable offence is guilty of an offence and is liable on conviction on indictment to a fine of \$150 000 or to imprisonment for a term of 25 years or to both such fine and imprisonment.

Carrying firearm in a public place

21. A person who without lawful authority or reasonable excuse, the proof whereof lies on him, has with him in a public place any firearm, whether the firearm is loaded or not, is guilty of an offence and is liable on summary

conviction to a fine of \$10 000 or to imprisonment for a term of 5 years or to both such fine and imprisonment.

Endangering life or safety

21A.(1) A person who recklessly or without lawful authority or excuse

- (a) discharges a firearm; or
- (b) otherwise uses a firearm

in a public place and in a manner that places another person in danger of death or serious bodily harm is guilty of an offence and shall on conviction on indictment be sentenced to imprisonment of a term of not less than 15 years and not more than 25 years.

(2) A person who recklessly or without lawful authority or excuse uses an imitation firearm in a public place in a manner that causes another person to believe that that other person is in danger of death or serious bodily harm is guilty of an offence and shall on conviction on indictment be sentenced to imprisonment for a term of not less than 10 years and not more than 15 years.

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Trespassing with firearm

22. A person who, while he has a firearm with him

- (a) enters or is in any building or part of a building; or
- (b) enters or is on any land

as a trespasser and without reasonable excuse, the proof whereof lies on him, is guilty of an offence and is liable on summary conviction to a fine of \$10 000 or to imprisonment for a term of 5 years or to both such fine and imprisonment.

SAFEKEEPING OF FIREARMS**Storage of firearms and ammunition**

- 23.** A person to whom a licence is issued under this Act shall
- (a) store or keep the firearm or ammunition in a place of safety approved of by the Commissioner; and
 - (b) ensure that the firearm or ammunition is not left in any place unless such firearm or ammunition is properly secured against removal
 - (i) in a locked receptacle; or
 - (ii) in the case of a firearm, by means of a locking device

in such manner as may be prescribed or the Commissioner may approve.

Duty to report transfer, loss etc.

24.(1) A person who is the holder of a firearm licence and who transfers or otherwise disposes of the firearm to which the licence relates without forthwith informing the Commissioner thereof is guilty of an offence.

(2) Any person who is the holder of a firearm licence and who fails to inform the Commissioner that

- (a) the firearm or any of the ammunition cannot be found; or
- (b) there are grounds for believing or suspecting that the firearm or any of the ammunition is improperly in the possession or under the control of some other person

is guilty of an offence.

(3) A person who is guilty of an offence under subsection (1) or (2) is liable on conviction on indictment to a fine of \$50 000 or to imprisonment for 5 years or to both such fine and imprisonment.

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OFFENCES IN RESPECT OF LEGALLY INCAPACITATED PERSONS

Supplying firearm to incapacitated person

25.(1) No person shall give, lend, sell or let on hire or in any way part with possession of any firearm or ammunition to

- (a) a person under the age of 18 years; or
- (b) another person whom he knows or has reasonable cause for believing to be under the influence of drink or a drug, or of unsound mind.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for 5 years or to both such fine and imprisonment.

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(3) In proceedings for an offence under subsection (2) in respect of a contravention of paragraph (a) of subsection (1), it is a defence for the accused to prove that he believed the other person to be 18 years of age or over and had reasonable grounds for that belief.

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POWER OF SEARCH, SEIZURE, ARREST AND DETENTION

Power to search

26.(1) Where a Justice of the Peace or any magistrate is satisfied by information on oath that there are reasonable grounds for suspecting that an offence against this Act has been, is being, or is about to be, committed, he may grant a search warrant authorising a police officer named therein to enter at any time any premises or place named in the warrant and to search the premises or place and every person found there.

(2) Where a police officer has reasonable grounds to suspect that any person is unlawfully in possession of any firearm or ammunition, the police officer may, without warrant

- (a) search that person, or detain him for the purposes of searching him;
- (b) search any vehicle or vessel in which the police officer suspects that any article liable to seizure may be found, and for that purpose require the person in control of the vehicle or vessel to stop it.

(3) No female shall be searched under this section except by a woman police officer.

(4) The power of search under this section shall extend to any receptacle or other article then in the possession of the person being searched, and subsection (3) shall not apply to any such receptacle or article not being part of the wearing apparel of the female at the time of the search.

(5) A person is guilty of an offence if he intentionally obstructs a police officer in the exercise of his powers under this section.

[2002-12]

(6) Nothing in this section shall prejudice any power of search or any power to seize or detain property which is exercisable by any police officer apart from this section.

(7) A person who is guilty of an offence under subsection (5) is liable on summary conviction to a fine of \$50 000 or to imprisonment for 5 years or to both such fine and imprisonment.

[2002-12]

Production of licence or permit

27.(1) A police officer may demand from any person who is, or who he has reason to believe is, in possession of a firearm or ammunition the production forthwith by that person of the licence or permit under this Act authorising the possession by that person of that firearm or ammunition.

- (2) If a person who is in possession of a firearm or ammunition fails
- (a) to produce the licence or permit in question in accordance with a demand made of him under subsection (1); or
 - (b) to satisfy the police officer that he is excused or exempted by or under this Act from having such a licence or permit,

the police officer may seize the firearm or ammunition and require that person to declare to him immediately his name and address.

(3) Where a person who is found by a police officer in possession of a firearm or ammunition asserts that he has a licence or permit in respect of the firearm or ammunition but does not have it with him at the time a demand is made of him under subsection (1), he shall name to the police officer who made the demand a police station at which he elects to produce the licence or permit; and he shall produce the licence or permit within 24 hours from the time when the demand was made.

(4) A person who fails to declare his name and address in accordance with subsection (2) or to produce a licence or permit in accordance with subsection (3) is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for 2 years or to both such fine and imprisonment.

[2002-12]

Powers of arrest

28.(1) A police officer may arrest without warrant a person

- (a) who has committed or is committing; or
- (b) whom the police officer, with reasonable cause, suspects to have committed, or to be committing,

an offence under this Act.

(2) This section shall not prejudice any power of arrest conferred by law apart from this section.

OTHER OFFENCES**Prosecution and punishment of offences**

29.(1) Any person who uses a firearm

- (a) while committing or attempting to commit an indictable offence; or
- (b) during flight after committing or attempting to commit an indictable offence,

whether or not he causes or means to cause bodily harm to any person as a result thereof, is guilty of an offence.

(2) Notwithstanding any provision of any other Act, a person who attempts to commit an offence under this Act, or who solicits, incites, procures or conspires with another to commit an offence under this Act, is guilty of an offence and is liable to the same punishment as is provided for that offence.

Punishment for certain offences

30.(1) A person who is guilty of an offence under section 3(9), 7(3), or 29(1) shall on conviction on indictment

- (a) in the case of a first offence, except as provided in paragraph (b)(ii), be sentenced to imprisonment for not less than 7 years and not more than 15 years;
- (b) in the case of
 - (i) a second or subsequent offence; or
 - (ii) a first offence committed by a person who prior to 15th August, 2003 was convicted of an indictable offence in the course of which or during his flight after the commission of which he used a firearm,

be sentenced to imprisonment for not less than 15 years and not more than 25 years.

(2) Any firearm or ammunition in respect of which an offence under this Act has been committed shall, with effect from the date of the conviction of the accused person for that offence, be forfeited to the Crown.

[2002-12]

MISCELLANEOUS

Antique firearms

31.(1) A person who is desirous of keeping any antique firearm may, upon obtaining the approval of the Commissioner in writing, keep such antique firearm at the premises specified in the document granting approval.

(2) For the purposes of this section “antique firearm” means a firearm that

- (a) is not less than 50 years old; and
- (b) is incapable of being fired.

Regulations

32.(1) The Minister may make regulations

- (a) prescribing the form of licences under this Act, returns and other documents;
- (b) prescribing the requirements to be satisfied in respect of a place where arms or ammunition are to be stored or kept before such place may be approved by the Commissioner as being a place of safety for the purposes of section 23, and for the manner in which such place is to be secured;
- (c) prescribing the manner by which any notice under this Act may be given;
- (d) controlling or regulating the importation, sale, possession or use of hand grenades manufactured for the purpose of extinguishing fires, and the application of this Act in relation to such bombs and hand grenades;

- (e) prescribing anything which, by this Act, is permitted or required to be prescribed;
- (f) generally for carrying this Act into effect.

(1A) Any person who contravenes any regulations made under this Act is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for a term of 5 years or to both such fine and imprisonment.

[2002-12]

(2) Regulations made under subsection (1) shall be subject to negative resolution.

Act not to apply in certain cases

33.(1) Nothing in this Act shall apply to any firearms or ammunition on board any ship or aircraft which is a ship of war or a military aircraft of a foreign nation.

(2) Nothing in this Act shall apply to any firearms or ammunition consigned to some place outside Barbados and in transit on any vessel as *bona fide* cargo and entered on the manifest.

(3) Nothing in this Act shall prevent an owner or master of any vessel which has had a port of call outside Barbados from having in his custody upon such vessel any arms or ammunition if he declares the presence of such arms or ammunition to a public officer of the Customs Department at the first reasonable opportunity after entering Barbados.

(4) A public officer of the Customs Department or a police officer may at any time take possession of any firearm or ammunition declared, or which should have been declared, under subsection (3); and it is an offence for any person to fail to surrender that firearm or ammunition when required to do so by such an officer.

(5) A person who is guilty of an offence under subsection (4) is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 2 years or to both such fine and imprisonment.

[2002-12]

Act applies to Crown

34.(1) Subject to subsections (2) and (3), this Act applies to the Crown.

(2) Nothing in this Act shall render unlawful the possession, carrying, using or repairing of any firearm or ammunition validly issued to any person who is a police officer, member of the Defence Force or special constable, for the execution of his duty, or dealt with by any such person in the execution of his duty.

(3) Nothing in this Act shall render unlawful the possession of a firearm or ammunition by a public officer of the Customs Department where such firearm or ammunition comes into the possession of that officer in the execution of his duty.

Repeal of 1919-4. and 1896-4

35. The following Acts are hereby repealed:

- (a) The *Ammunition Act*; and
- (b) The *Firearms Act*.